



Rep. Fred Crespo

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1 AMENDMENT TO SENATE BILL 1795

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1795 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Private Business and Vocational Schools Act of 2012.

6 Section 5. Purpose. It is the purpose of this Act to  
7 provide for the protection, education, and welfare of the  
8 citizens of the this State; to provide for the education,  
9 protection, and welfare of the students of its private business  
10 and vocational schools; and to facilitate and promote quality  
11 education and responsible, ethical, business practices in each  
12 of the private business and vocational schools enrolling  
13 students in this State.

14 Section 10. Validity of certificates under the Private  
15 Business and Vocational Schools Act. Certificates of approval

1 granted by the State Board of Education under the Private  
2 Business and Vocational Schools Act, which is repealed by this  
3 Act, shall remain valid through June 30, 2012.

4 Section 15. Definitions. As used in this Act, unless the  
5 context otherwise requires:

6 "Board" means the Board of Higher Education established  
7 under the Board of Higher Education Act.

8 "Certificate of completion" or "certificate" means any  
9 designation, appellation, series of letters or words, or other  
10 symbol that signifies or purports to signify that the recipient  
11 thereof has satisfactorily completed a private business and  
12 vocational school's program of study that is beyond the  
13 secondary school level, but not a post-secondary degree program  
14 at the associate, baccalaureate, master's, doctoral, or  
15 post-baccalaureate, professional degree level.

16 "Educational institution" or "institution" means an  
17 organization that promotes business and vocational education,  
18 even though the institution's principal effort may not be  
19 exclusively educational in nature.

20 "Enrollment agreement" means any agreement or instrument,  
21 however named, that creates or evidences an obligation binding  
22 a student to purchase a program of study from a school.

23 "Non-degree program of study" or "program of study" means  
24 any designation, appellation, series of letters or words, or  
25 other symbol that signifies or purports to signify that the

1 recipient has satisfactorily completed an organized academic  
2 program of study beyond the secondary school level, such as a  
3 certificate, but below the associate's degree level and that  
4 does not include any recognized degree program such as an  
5 associate's, baccalaureate, master's, or doctoral degree, a  
6 post-baccalaureate, professional degree, or a post-degree  
7 certificate, such as a post-baccalaureate certificate,  
8 post-master's certificate, or post-doctoral certificate.

9 "Program of study" as used in this definition means any  
10 academic program beyond the secondary school level, except for  
11 a program that is devoted entirely to religion or theology, a  
12 program offered by an institution operating under the authority  
13 of the Private College Act, the Academic Degree Act, or the  
14 Board of Higher Education Act, or a program of study of less  
15 than one year in length operating under the statutory authority  
16 granted to the Department of Financial and Professional  
17 Regulation.

18 "Permit of approval" means a non-transferable permit,  
19 issued by and pursuant to the authority of the Board of Higher  
20 Education through its Division of Private Business and  
21 Vocational Schools to a private business and vocational school  
22 in the name of the school, that authorizes the school to  
23 solicit students and to offer and maintain one or more courses  
24 of instruction in compliance with the provisions of this Act  
25 and such standards and rules as may be adopted by the Board.

26 "Private business and vocational school" or "school" means

1 an educational institution privately owned or operated by a  
2 person, partnership, corporation, or other entity offering  
3 courses of instruction for which tuition is charged, whether  
4 such courses of instruction are offered on site, through  
5 correspondence, by distance education, or by other methods, to  
6 prepare individuals to do any of the following:

7 (1) To follow a trade or artistic occupation.

8 (2) To pursue a manual, mechanical, technical,  
9 industrial, business, commercial, office, personal service  
10 (other than nursing), or other non-professional  
11 occupation.

12 (3) To follow a profession, if the profession is not  
13 subject to licensing or registration under any existing  
14 State statute requiring the licensing or registration of  
15 persons practicing such profession or if the school is not  
16 subject to the regulation of the agency with such licensing  
17 or registration authority.

18 (4) To improve, enhance, or add to the skills and  
19 abilities of the individual relative to occupational  
20 responsibilities or career opportunities.

21 Section 20. Permit of approval. No person or group of  
22 persons subject to this Act may establish and operate or be  
23 permitted to become incorporated for the purpose of operating a  
24 private business and vocational school without obtaining from  
25 the Board a permit of approval, provided that a permit of

1 approval is not required for a program that is devoted entirely  
2 to religion or theology or a program offered by an institution  
3 operating under the authority of the Private College Act, the  
4 Academic Degree Act, or the Board of Higher Education Act.  
5 Application for a permit must be made to the Board upon forms  
6 furnished by it. Permits of approval are not transferable.  
7 Whenever a change of ownership of a school occurs, an  
8 application for a permit of approval for the school under the  
9 changed ownership must immediately be filed with the Board.  
10 Whenever an owner, partnership, or corporation operates a  
11 school at different locations, an application for a permit of  
12 approval must be filed for each location. A school must have  
13 approval prior to operating at a location and must make  
14 application to the Board for any change of location and for a  
15 classroom extension at a new or changed location. Each  
16 application required to be filed in accordance with the  
17 provisions of this Section must be accompanied by the required  
18 fee under the provisions of Sections 75 and 85 of this Act, and  
19 all such applications must be made on forms prepared and  
20 furnished by the Board. The permit of approval must be  
21 prominently displayed at some place on the premises of the  
22 school at each school location open to the inspection of all  
23 interested persons. The Board shall maintain, open to public  
24 inspection, a list of schools, their classroom extensions, and  
25 their courses of instruction approved under this Act and may  
26 annually publish such a list. Issuance of the permit of

1 approval by the Board does not denote that the school or any  
2 program offered by the school is recommended, guaranteed, or  
3 endorsed by the Board or that the Board is responsible for the  
4 quality of the school or its programs, and no school may  
5 communicate this to be the case. No guarantee of employability  
6 of school graduates is made by the Board in its approval of  
7 programs or schools, and no school may communicate such  
8 information.

9 Section 25. Award of certificates.

10 (a) A certificate may be awarded only by a private business  
11 and vocational school approved by the Board to award such a  
12 certificate or by an institution approved by the Board under  
13 the authority of the Private College Act, the Academic Degree  
14 Act, or the Board of Higher Education Act. No private business  
15 and vocational school shall be authorized to award a  
16 certificate or be approved as a certificate-granting  
17 institution unless it provides documentation to the Board that  
18 it satisfies the criteria for approval. The documentation  
19 provided must be under oath or affirmation of the principal  
20 officer of the private business and vocational school and shall  
21 contain the name and address of the institution, the names and  
22 addresses of the president or other administrative head and of  
23 each member of the board of trustees or other governing board,  
24 a description of the certificates to be awarded and the course  
25 or courses of instruction prerequisite thereto, and such

1 additional information relevant to the purposes of this Act as  
2 the Board may prescribe. Any amendment to the documentation  
3 must be under oath or affirmation of the principal officer of  
4 the institution and must be filed with the Board prior to the  
5 award of any certificate.

6 (b) A certificate-granting institution shall keep the  
7 documentation that it shall have filed with the Board current  
8 at all times. For this purpose, it shall report annually, by  
9 appropriate amendment of the notice, any change in a fact  
10 previously reported.

11 The Board may not approve any documentation or amendment to  
12 the documentation filed pursuant to this Section unless it  
13 finds the facts stated therein to be correct and further finds  
14 that such facts constitute compliance with the requirements of  
15 this Act for institutions.

16 Failure to provide such documentation is grounds for  
17 revocation of the permit of approval.

18 Section 30. Exemptions. For purposes of this Act, the  
19 following shall not be considered to be a private business and  
20 vocational school:

21 (1) Any institution devoted entirely to the teaching of  
22 religion or theology.

23 (2) Any in-service program of study and subject offered  
24 by an employer, provided that no tuition is charged and the  
25 instruction is offered only to employees of the employer.

1           (3) Any educational institution that (A) enrolls a  
2 majority of its students in degree programs and has  
3 maintained an accredited status with a regional  
4 accrediting agency that is recognized by the U.S.  
5 Department of Education or (B) enrolls students in one or  
6 more bachelor-level programs, enrolls a majority of its  
7 students in degree programs, and is accredited by a  
8 national or regional accrediting agency that is recognized  
9 by the U.S. Department of Education or that (i) is  
10 regulated by the Board under the Private College Act or the  
11 Academic Degree Act or is exempt from such regulation under  
12 either the Private College Act or the Academic Degree Act  
13 solely for the reason that the educational institution was  
14 in operation on the effective date of either the Private  
15 College Act or the Academic Degree Act or (ii) is regulated  
16 by the State Board of Education.

17           (4) Any institution and the franchisees of that  
18 institution that exclusively offer a program of study in  
19 income tax theory or return preparation at a total contract  
20 price of no more than \$400, provided that the total annual  
21 enrollment of the institution for all such courses of  
22 instruction exceeds 500 students and further provided that  
23 the total contract price for all instruction offered to a  
24 student in any one calendar year does not exceed \$3,000.

25           (5) Any person or organization selling mediated  
26 instruction products through a media, such as tapes,

1 compact discs, digital video discs, or similar media, so  
2 long as the instruction is not intended to result in the  
3 acquisition of training for a specific employment field, is  
4 not intended to meet a qualification for licensure or  
5 certification in an employment field, or is not intended to  
6 provide credit that can be applied toward a certificate or  
7 degree program.

8 (6) Schools with no physical presence in this State.  
9 Schools offering instruction or programs of study, but that  
10 have no physical presence in this State, are not required  
11 to receive Board approval. Such an institution must not be  
12 considered not to have a physical presence in this State  
13 unless it has received a written finding from the Board  
14 that it has a limited physical presence. In determining  
15 whether an institution has no physical presence, the Board  
16 shall require all of the following:

17 (A) Evidence of authorization to operate in at  
18 least one other state and that the school is in good  
19 standing with that state's authorizing agency.

20 (B) Evidence that the school has a means of  
21 receiving and addressing student complaints in  
22 compliance with any federal or state requirements.

23 (C) Evidence that the institution is providing no  
24 instruction in this State.

25 (D) Evidence that the institution is not providing  
26 core academic support services, including, but not

1           limited to, admissions, evaluation, assessment,  
2           registration, financial aid, academic scheduling, and  
3           faculty hiring and support in this State.

4           Section 35. Institution and program approval criteria.  
5           Each entity seeking a permit of approval is required to  
6           demonstrate that it satisfies institution-approval criteria  
7           and that each program of study offered meets the  
8           program-approval criteria in this Act and any applicable rules.  
9           The following standard criteria are intended to measure the  
10          appropriateness of the stated educational objectives of the  
11          educational programs of a given institution and the extent to  
12          which suitable and proper processes have been developed for  
13          meeting those objectives. Information related to the  
14          satisfaction of the approval criteria outlined in this Section  
15          must be supplied to the Board by institutions on forms provided  
16          by the Board. Additional information may be requested by the  
17          Board to determine the institution's ability to satisfy the  
18          criteria. The following must be considered as part of, but not  
19          necessarily all of, the criteria for approval of institutions  
20          and the programs offered under this Act:

21               (1) Qualifications of governing board members, owners,  
22               and senior administrators. At a minimum, these individuals  
23               must be of good moral character and have no felony criminal  
24               record.

25               (2) Qualifications of faculty and staff.

1           (3) Demonstration of student learning and quality of  
2 program delivery.

3           (4) Sufficiency of institutional finances.

4           (5) Accuracy, clarity, and appropriateness of program  
5 descriptions. Institutional promotional, advertising, and  
6 recruiting materials must be clear, appropriate, and  
7 accurate.

8           (6) Sufficiency of facilities and equipment. At a  
9 minimum, these must be appropriate and must meet applicable  
10 safety code requirements and ordinances.

11           (7) Fair and equitable refund policies. At a minimum,  
12 these must be fair and equitable, must satisfy any related  
13 State or federal rules, and must abide by the standards  
14 established in Section 60 of this Act and the rules adopted  
15 for the implementation of this Act.

16           (8) Appropriate and ethical admissions and recruitment  
17 practices. At a minimum, recruiting practices must be  
18 ethical and abide by any State or federal rules.

19           (9) Recognized accreditation status. Accreditation  
20 with an accrediting body approved by the U.S. Department of  
21 Education may be counted as significant evidence of the  
22 institution's ability to meet curricular approval  
23 criteria.

24           (10) Meeting employment requirements in the field of  
25 study. The institution must clearly demonstrate how a  
26 student's completion of the program of study satisfies

1 employment requirements in the occupational field. Such  
2 information must be clearly and accurately provided to  
3 students. If licensure, certification, or their equivalent  
4 is required of program graduates to enter the field of  
5 employment, the institution must clearly demonstrate that  
6 completion of the program will allow students to achieve  
7 this status.

8 (11) Enrollment agreements that, at a minimum, meet the  
9 requirements outlined in Section 40 of this Act.

10 (12) Clearly communicated tuition and fee charges.  
11 Tuition and fees and any other expense charged by the  
12 school must be appropriate to the expected income that will  
13 be earned by graduates. No school may have a tuition policy  
14 or enrollment agreement that requires that a student  
15 register for more than a single semester, quarter, term, or  
16 other such period of enrollment as a condition of the  
17 enrollment nor shall any school charge a student for  
18 multiple periods of enrollment prior to completion of the  
19 single semester, quarter, term, or other such period of  
20 enrollment.

21 (12) Legal action against the institution, its parent  
22 company, its owners, its governing board, or its board  
23 members. Any such legal action must be provided to the  
24 Board and may be considered as a reason for denial or  
25 revocation of the permit of approval.

1           Section 40. Enrollment agreements. A copy of the enrollment  
2 agreement must be provided to the Board. Enrollment agreements  
3 may be used by schools only if approved by the Board. The Board  
4 shall develop a standard enrollment agreement for use by  
5 schools approved or seeking approval under this Act. Schools  
6 may create an enrollment agreement that meets the minimum  
7 requirements of this Section, but it must be approved by the  
8 Board prior to implementation. The student must be given a copy  
9 of the enrollment agreement at the time the student signs that  
10 agreement and at the time of the agreement's acceptance, if  
11 those events occur at different times. The school shall retain  
12 a signed copy of the fully executed enrollment agreement as a  
13 part of the student's permanent record. No school may enter  
14 into an enrollment agreement wherein the student waives the  
15 right to assert against the school or any assignee any claim or  
16 defense he or she may have against the school arising under the  
17 agreement. Any provisions in an enrollment agreement wherein  
18 the student agrees to such a waiver shall be rendered void.  
19 Enrollment agreements shall include, at a minimum, a clear  
20 descriptions of costs, refund policies, program information,  
21 any disclosures, the Board's Internet website, the address and  
22 phone number of the Board for students to report complaints,  
23 and any additional information the Board may require by rule.

24           Section 45. Board approval. Each school approved by the  
25 Board under this Act is responsible for the content of any

1 program offered. Issuance of the permit of approval does not  
2 denote that the school or any program offered by the school is  
3 recommended, guaranteed, or endorsed by the Board. Schools may  
4 not advertise or communicate to students or the public in any  
5 way that indicates endorsement of the school or any program by  
6 the Board.

7 Section 50. Requirements for approved institutions. Each  
8 school and each of the non-degree programs of study offered by  
9 the school shall be approved for 5 years, subject to the terms  
10 and conditions of approval, including without limitation the  
11 submission of required reporting and the payment of required  
12 charges and fees under the provisions of Section 75 of this  
13 Act, and compliance with any other requirements in this Act or  
14 supporting rules. Failure to so comply at any time during the 5  
15 years is grounds for immediate revocation of the permit of  
16 approval. Information requested by the Board must be submitted  
17 annually or, in special circumstances, at the request of the  
18 Board. Failure to do so is grounds for immediate revocation of  
19 the permit of approval. Each non-degree program of study must  
20 be approved by the Board as well. Regardless of when the  
21 program was approved, all programs of study must be approved  
22 again with the institutional approval at the end of the 5-year  
23 approval period or in conjunction with an earlier review if so  
24 required under this Act or the administrative rules adopted in  
25 support of this Act. The Board's Executive Director has the

1 authority to order any school subject to this Act to cease and  
2 desist operations if the school is found to have acted contrary  
3 to the standards set forth in this Act or the supporting  
4 administrative rules.

5 Section 55. Maintenance of approval. Institutions covered  
6 under this Act must meet the following requirements to receive  
7 and maintain approval:

8 (1) Provide a surety bond. A continuous surety company  
9 bond, written by a company authorized to do business in  
10 this State, for the protection of contractual rights,  
11 including faithful performance of all contracts and  
12 agreements for students and their parents, guardians, or  
13 sponsors. The Board shall establish the bond amount by  
14 rule. The amount of the bond must be sufficient to provide  
15 for the repayment of full tuition to all students enrolled  
16 at the institution in the event of closure of the  
17 institution. Evidence of the continuation of the bond must  
18 be filed annually with the Board. The surety bond must be a  
19 written agreement that provides for monetary compensation  
20 in the event that the school fails to fulfill its  
21 obligations to its students and their parents, guardians,  
22 or sponsors. The surety bonding company shall guarantee the  
23 return to students and their parents, guardians, or  
24 sponsors of all prepaid, unearned tuition in the event of  
25 school closure. A condition of the bond shall be that the

1 bond agent shall notify the Board in the event the bond is  
2 no longer in effect.

3 (2) Provide to the Board and each student the school's  
4 policy for addressing student complaints. Included in this  
5 process, the school must provide in its promotional  
6 materials and on its Internet website the Board's address  
7 and Internet website for reporting complaints.

8 (3) Provide on the institution's Internet website and  
9 in promotional materials and enrollment agreements the  
10 Internet website, address, and phone number of the Board  
11 for students to report complaints.

12 (4) Provide evidence of liability insurance, in such  
13 form and amount as the Board shall from time to time  
14 prescribe pursuant to rules adopted under this Act, to  
15 protect students and employees at the school's places of  
16 business and at all classroom extensions, including any  
17 work-experience locations.

18 (5) Provide data as requested by the Board to support  
19 the satisfaction of the requirements of this Act or to  
20 provide vocational and technical educational data for the  
21 longitudinal data system created under the P-20  
22 Longitudinal Education Data System Act.

23 (6) Pay required fees as described under the provisions  
24 of Section 75 of this Act by prescribed deadlines.

25 (7) With respect to advertising programs of study, all  
26 of the following apply:

1           (A) A school may state that it is approved to offer  
2 a program of study or authorized to award a certificate  
3 in this State only after that approval has been  
4 officially granted and received in writing from the  
5 Board.

6           (B) A school shall not advertise or state in any  
7 manner that it is accredited by the Board to award  
8 degrees or certificates.

9           (C) No school may publish or otherwise communicate  
10 to prospective students, faculty, staff, or the public  
11 misleading or erroneous information about the  
12 certificate or degree-granting status of a given  
13 institution.

14           (D) All advertisements or solicitations by  
15 approved schools shall only reference the Board's  
16 approval by stating that the school is approved by the  
17 "Division of Private Business and Vocational Schools  
18 of the Illinois Board of Higher Education".

19           (8) Permit the Board's Executive Director or his or her  
20 designees to inspect the school or classes thereof from  
21 time to time with or without notice and to make available  
22 to the Board's Executive Director or his or her designees,  
23 at any time when required to do so, information, including  
24 financial information, pertaining to the activities of the  
25 school required for the administration of this Act and the  
26 standards and rules adopted under this Act.

1           (9) Maintain satisfactory student retention and  
2 graduation rates and State licensing examination or  
3 professional certification examination passage rates.  
4 Student retention and graduation rates must be maintained  
5 that are appropriate to standards in the field. A State  
6 licensing examination or professional certification  
7 examination passage rate of at least 50% of the average  
8 passage rate for schools within the industry for any State  
9 licensing examination or professional certification  
10 examination must be maintained. In the event that the  
11 school fails to do so, then that school shall be placed on  
12 probation for one year. If that school's passage rate in  
13 its next reporting period does not exceed 50% of the  
14 average passage rate of that class of school as a whole,  
15 then the Board shall revoke the school's approval for that  
16 program to operate in this State. In addition, this shall  
17 be grounds for reviewing the institution's approval to  
18 operate. The Board shall develop, by rule, a procedure to  
19 ensure the veracity of the information required under this  
20 Section.

21           (10) Not enter into an enrollment agreement wherein the  
22 student waives the right to assert against the school or  
23 any assignee any claim or defense he or she may have  
24 against the school arising under the agreement. Any  
25 provisions in an enrollment agreement wherein the student  
26 agrees to such a waiver shall be rendered void.

1           (11) Not have a tuition policy or enrollment agreement  
2           that requires that a student register for more than a  
3           single semester, quarter, term, or other such period of  
4           enrollment as a condition of the enrollment nor charge a  
5           student for multiple periods of enrollment prior to  
6           completion of a single semester, quarter, term, or other  
7           such period of enrollment.

8           (12) Provide the Board with a copy of any notice of  
9           warning or suspension or revocation received from an  
10          accrediting agency or State or federal oversight body  
11          within 15 days after receipt of the notice. The school  
12          shall, at the same time, inform the Board, in writing, on  
13          actions being taken to correct all deficiencies cited.

14          (13) Maintain a fair and equitable refund policy and  
15          abide by it. Such a policy shall abide by any State or  
16          federal rules as appropriate. The same policy shall apply  
17          to all students equally.

18          (14) Act in an ethical manner.

19          Section 60. Refund policy. The Board shall establish  
20          minimum standards for a fair and equitable refund policy that  
21          must be applied by all institutions subject to this Act. The  
22          same refund policy must be applied to all students even if they  
23          are not eligible for federal financial aid. Schools that are  
24          accredited by an accrediting body recognized by the U.S.  
25          Department of Education and approved to participate in offering

1 Federal Title IV student financial aid may apply the required  
2 federal refund policy as long as the same policy is applied to  
3 all students even if they are not eligible for federal  
4 financial aid.

5 Section 65. Prohibition against advertising a school or  
6 soliciting students without Board authorization. Prior to the  
7 issuance of a permit of approval by the Board, no person or  
8 organization shall advertise a school or any program of study  
9 or solicit prospective students unless the person or  
10 organization has applied for and received from the Board  
11 authorization to conduct such activity. If the Board has  
12 authorized such activity, all advertisements or solicitations  
13 must reference the Board's approval by stating that the school  
14 is approved by the "Division of Private Business and Vocational  
15 Schools of the Illinois Board of Higher Education".

16 Section 70. Closing of a school.

17 (a) In the event a school proposes to discontinue its  
18 operations, the chief administrative officer of the school  
19 shall cause to be filed with the Board the original or legible  
20 true copies of all such academic records of the institution as  
21 may be specified by the Board.

22 (b) These records shall include, at a minimum, the academic  
23 records of each former student that is traditionally provided  
24 on an academic transcript, such as, but not limited to, courses

1 taken, terms, grades, and other such information.

2 (c) In the event it appears to the Board that any such  
3 records of an institution discontinuing its operations is in  
4 danger of being lost, hidden, destroyed, or otherwise made  
5 unavailable to the Board, the Board may seize and take  
6 possession of the records, on its own motion and without order  
7 of court.

8 (d) The Board shall maintain or cause to be maintained a  
9 permanent file of such records coming into its possession.

10 (e) As an alternative to the deposit of such records with  
11 the Board, the institution may propose to the Board a plan for  
12 permanent retention of the records. The plan must be put into  
13 effect only with the approval of the Board.

14 (f) When a postsecondary educational institution now or  
15 hereafter operating in this State proposes to discontinue its  
16 operation, such institution shall cause to be created a  
17 teach-out plan acceptable to the Board, which shall fulfill the  
18 school's educational obligations to its students. Should the  
19 school fail to deliver or act on the teach-out plan, the Board  
20 is in no way responsible for providing the teach-out.

21 (g) The school and its designated surety bonding company  
22 are responsible for the return to students of all prepaid,  
23 unearned tuition. As identified in Section 55 of this Act, the  
24 surety bond must be a written agreement that provides for  
25 monetary compensation in the event that the school fails to  
26 fulfill its obligations. The surety bonding company shall

1 guarantee the return to the school's students and their  
2 parents, guardians, or sponsors of all prepaid, unearned  
3 tuition in the event of school closure. Should the school or  
4 its surety bonding company fail to deliver or act to fulfill  
5 the obligation, the Board is in no way responsible for the  
6 repayment or any related damages or claims.

7 Section 75. Application and renewal fees. Fees for  
8 application and renewal may be set by the Board by rule. Fees  
9 shall be collected for all of the following:

10 (1) An original school application for a certificate of  
11 approval.

12 (2) An initial school application for a certificate of  
13 approval upon occurrence of a change of ownership.

14 (3) An annual school application for renewal of a  
15 certificate of approval.

16 (4) A school application for a change of location.

17 (5) A school application for a classroom extension.

18 (6) If an applicant school that has not remedied all  
19 deficiencies cited by the Board within 12 months after the  
20 date of its original application for a certificate of  
21 approval, an additional original application fee for the  
22 continued cost of investigation of its application.

23 (7) Transcript processing.

24 Section 80. Private Business and Vocational Schools

1 Quality Assurance Fund. The Private Business and Vocational  
2 Schools Quality Assurance Fund is created as a special fund in  
3 the State treasury. All fees collected for the administration  
4 and enforcement of this Act must be deposited into this Fund.  
5 All money in the Fund must be used, subject to appropriation,  
6 by the Board to supplement support for the administration and  
7 enforcement of this Act and must not be used for any other  
8 purpose.

9 Section 85. Violations under the Act.

10 (a) The Board's Executive Director has the authority to  
11 order any school subject to this Act to cease and desist  
12 operations if the school is found to have acted contrary to the  
13 standards set forth in this Act or supporting rules.

14 (b) The following acts or omissions by an owner, operator,  
15 or authorized agent of a private business and vocational school  
16 shall constitute violations of this Act and unlawful practices  
17 pursuant to the Consumer Fraud and Deceptive Business Practices  
18 Act:

19 (1) False or misleading statements,  
20 misrepresentations, or false promises that have the  
21 tendency or capacity to influence or induce persons to  
22 enroll in the program of study offered by the school.

23 (2) Failure or refusal of the school to make the  
24 disclosures in the enrollment agreement required by this  
25 Act, or the making of false or inaccurate statements in

1 such disclosures.

2 (3) Failure or refusal of the school to refund fees and  
3 unearned tuition, in accordance with the refund policy  
4 prescribed by this Act, to any student who cancels his or  
5 her enrollment agreement.

6 (4) Failure or refusal of the school to employ course  
7 instructors under conditions presented to the Board to  
8 satisfy the requirements of this Act or to provide the  
9 equipment, facilities, or services necessary to implement  
10 the program of study as presented to the Board to satisfy  
11 the requirements of the Act.

12 (c) Whenever the Attorney General or a State's Attorney  
13 receives a complaint against a private business and vocational  
14 school that alleges one or more of the violations enumerated in  
15 subsection (b) of this Section, he or she may conduct an  
16 investigation to determine the validity of the complaint and,  
17 if a violation or violations are found, may use any or all of  
18 the remedies, penalties, or authority granted to him or her by  
19 the Consumer Fraud and Deceptive Business Practices Act to  
20 correct such violations and enforce the provisions of this Act.  
21 Within 10 business days after receipt, the Board shall transmit  
22 to the Attorney General and the appropriate State's Attorney  
23 copies of complaints filed in the Board's office that allege  
24 one or more of the violations enumerated in subsection (b) of  
25 this Section.

26 (d) Except for the violations enumerated in subsection (e)

1 of this Section, any owner, operator, or authorized agent of a  
2 school who knowingly violates any provision of this Act is  
3 guilty of a business offense.

4 (e) Any owner, operator, or authorized agent of a private  
5 business and vocational school who commits any of the following  
6 offenses is guilty of a Class A misdemeanor for the first  
7 offense and a Class 4 felony for the second or subsequent  
8 offense:

9 (1) Knowingly, and for the purpose of influencing or  
10 inducing a person to enroll in the program of study offered  
11 by the school, makes any false or misleading statements,  
12 misrepresentations, or false promises to the person  
13 regarding opportunities upon graduation from the school  
14 for (i) employment in a business, industry, or trade, (ii)  
15 admission to an institution of higher learning, or (ii)  
16 admission to an occupational licensing examination.

17 (2) Knowingly, and with intent to defraud, retains in  
18 excess of the school's refund policy prescribed in this Act  
19 any unearned tuition or fees paid by a student who has  
20 cancelled his or her enrollment agreement and is entitled  
21 to a refund.

22 (3) Knowingly, and with intent to defraud,  
23 misrepresents that any student who has cancelled his or her  
24 enrollment agreement is presently enrolled in the school,  
25 has completed the program of study, or has graduated from  
26 the school.

1           (4) Knowingly uses or attempts to use students in any  
2 commercial or manufacturing activity related to the  
3 operation of the school and to the school's advantage and  
4 profit, except to the extent that the school provides the  
5 student with practical experience supplemental to the  
6 course of instruction or except in the case of students who  
7 are employed by the school and compensated for such  
8 employment.

9           (f) The Board shall adopt rules to pursue resolution of  
10 complaints. At a minimum, the rules shall include all of the  
11 following:

12           (1) Student complaints must be submitted in writing to  
13 the Board.

14           (2) Board staff shall contact the school about the  
15 complaint by registered mail or other appropriate  
16 notification. The school has 10 business days to respond to  
17 the Board about the complaint. The Board shall provide a  
18 resolution determination to the school. The school may  
19 request a hearing about the proposed resolution within 10  
20 business days after the delivery of the complaint by  
21 registered mail or other appropriate notification. If the  
22 school does not abide by the resolution determination, the  
23 matter shall be referred to the Office of the Attorney  
24 General for consideration.

25           (3) The complaint may be forwarded to the institution's  
26 accrediting body.

1           (4) The Board shall annually issue a public report  
2 about the complaints received. At a minimum, the report  
3 shall include the institution, the nature of the complaint,  
4 and the current resolution status of the complaint. No  
5 individual student shall be named in the report.

6           (g) The Board shall establish rules for the appeal of  
7 decisions to revoke the permit of approval. At a minimum, the  
8 rules shall include all of the following:

9           (1) The school must be notified of the revocation in  
10 writing through registered mail or other appropriate  
11 notification.

12           (2) The school has 10 business days to request an  
13 appeal of the decision.

14           (3) The Board shall not be required to schedule a  
15 hearing and has the option to waive a hearing if the  
16 institution has not operated for one continuous, 12-month  
17 period or the institution has been abandoned; however, even  
18 in these cases, the Board shall be required to revoke the  
19 authority at a public hearing at which any opponent who is  
20 injured or impacted by the revocation must be given the  
21 opportunity to be heard.

22           (4) The Board shall designate a hearing officer, who  
23 shall schedule and conduct a hearing.

24           (5) The hearing officer shall make a written report of  
25 findings and recommendation to the Board's Executive  
26 Director, who shall make a final determination and shall

1           notify the institution of his or her decision.

2           (h) Any person who suffers damages as a result of a  
3 violation of this Act committed by a school or its  
4 representative may bring an action against the school. The  
5 court, in its discretion, may award actual damages, treble  
6 actual damages if fraud is proved, injunctive relief, and any  
7 other relief that the court deems proper.

8           Such action may be commenced in the county where the school  
9 is located or has its principal place of business or in the  
10 county where the transaction or any substantial portion thereof  
11 occurred.

12           In any action brought by a person under this Section, the  
13 court may award, in addition to the relief provided in this  
14 Section, reasonable attorney's fees and costs to the prevailing  
15 party.

16           Either party to an action under this Section may request a  
17 trial by jury.

18           Section 90. Rulemaking authority. The Board shall have  
19 rulemaking authority as necessary and appropriate to implement  
20 this Act. Rulemaking authority to implement this Act, if any,  
21 is conditioned on the rules being adopted in accordance with  
22 all provisions of the Illinois Administrative Procedure Act and  
23 all rules and procedures of the Joint Committee on  
24 Administrative Rules; any purported rule not so adopted, for  
25 whatever reason, is unauthorized.

1           Section 500. The Department of Professional Regulation Law  
2 of the Civil Administrative Code of Illinois is amended by  
3 changing Section 2105-15 as follows:

4           (20 ILCS 2105/2105-15)

5           Sec. 2105-15. General powers and duties.

6           (a) The Department has, subject to the provisions of the  
7 Civil Administrative Code of Illinois, the following powers and  
8 duties:

9           (1) To authorize examinations in English to ascertain  
10 the qualifications and fitness of applicants to exercise  
11 the profession, trade, or occupation for which the  
12 examination is held.

13           (2) To prescribe rules and regulations for a fair and  
14 wholly impartial method of examination of candidates to  
15 exercise the respective professions, trades, or  
16 occupations.

17           (3) To pass upon the qualifications of applicants for  
18 licenses, certificates, and authorities, whether by  
19 examination, by reciprocity, or by endorsement.

20           (4) To prescribe rules and regulations defining, for  
21 the respective professions, trades, and occupations, what  
22 shall constitute a school, college, or university, or  
23 department of a university, or other institution,  
24 reputable and in good standing, and to determine the

1       reputability and good standing of a school, college, or  
2       university, or department of a university, or other  
3       institution, reputable and in good standing, by reference  
4       to a compliance with those rules and regulations; provided,  
5       that no school, college, or university, or department of a  
6       university, or other institution that refuses admittance  
7       to applicants solely on account of race, color, creed, sex,  
8       or national origin shall be considered reputable and in  
9       good standing.

10       (5) To conduct hearings on proceedings to revoke,  
11       suspend, refuse to renew, place on probationary status, or  
12       take other disciplinary action as authorized in any  
13       licensing Act administered by the Department with regard to  
14       licenses, certificates, or authorities of persons  
15       exercising the respective professions, trades, or  
16       occupations and to revoke, suspend, refuse to renew, place  
17       on probationary status, or take other disciplinary action  
18       as authorized in any licensing Act administered by the  
19       Department with regard to those licenses, certificates, or  
20       authorities. The Department shall issue a monthly  
21       disciplinary report. The Department shall deny any license  
22       or renewal authorized by the Civil Administrative Code of  
23       Illinois to any person who has defaulted on an educational  
24       loan or scholarship provided by or guaranteed by the  
25       Illinois Student Assistance Commission or any governmental  
26       agency of this State; however, the Department may issue a

1 license or renewal if the aforementioned persons have  
2 established a satisfactory repayment record as determined  
3 by the Illinois Student Assistance Commission or other  
4 appropriate governmental agency of this State.  
5 Additionally, beginning June 1, 1996, any license issued by  
6 the Department may be suspended or revoked if the  
7 Department, after the opportunity for a hearing under the  
8 appropriate licensing Act, finds that the licensee has  
9 failed to make satisfactory repayment to the Illinois  
10 Student Assistance Commission for a delinquent or  
11 defaulted loan. For the purposes of this Section,  
12 "satisfactory repayment record" shall be defined by rule.  
13 The Department shall refuse to issue or renew a license to,  
14 or shall suspend or revoke a license of, any person who,  
15 after receiving notice, fails to comply with a subpoena or  
16 warrant relating to a paternity or child support  
17 proceeding. However, the Department may issue a license or  
18 renewal upon compliance with the subpoena or warrant.

19 The Department, without further process or hearings,  
20 shall revoke, suspend, or deny any license or renewal  
21 authorized by the Civil Administrative Code of Illinois to  
22 a person who is certified by the Department of Healthcare  
23 and Family Services (formerly Illinois Department of  
24 Public Aid) as being more than 30 days delinquent in  
25 complying with a child support order or who is certified by  
26 a court as being in violation of the Non-Support Punishment

1 Act for more than 60 days. The Department may, however,  
2 issue a license or renewal if the person has established a  
3 satisfactory repayment record as determined by the  
4 Department of Healthcare and Family Services (formerly  
5 Illinois Department of Public Aid) or if the person is  
6 determined by the court to be in compliance with the  
7 Non-Support Punishment Act. The Department may implement  
8 this paragraph as added by Public Act 89-6 through the use  
9 of emergency rules in accordance with Section 5-45 of the  
10 Illinois Administrative Procedure Act. For purposes of the  
11 Illinois Administrative Procedure Act, the adoption of  
12 rules to implement this paragraph shall be considered an  
13 emergency and necessary for the public interest, safety,  
14 and welfare.

15 (6) To transfer jurisdiction of any realty under the  
16 control of the Department to any other department of the  
17 State Government or to acquire or accept federal lands when  
18 the transfer, acquisition, or acceptance is advantageous  
19 to the State and is approved in writing by the Governor.

20 (7) To formulate rules and regulations necessary for  
21 the enforcement of any Act administered by the Department.

22 (8) To exchange with the Department of Healthcare and  
23 Family Services information that may be necessary for the  
24 enforcement of child support orders entered pursuant to the  
25 Illinois Public Aid Code, the Illinois Marriage and  
26 Dissolution of Marriage Act, the Non-Support of Spouse and

1 Children Act, the Non-Support Punishment Act, the Revised  
2 Uniform Reciprocal Enforcement of Support Act, the Uniform  
3 Interstate Family Support Act, or the Illinois Parentage  
4 Act of 1984. Notwithstanding any provisions in this Code to  
5 the contrary, the Department of Professional Regulation  
6 shall not be liable under any federal or State law to any  
7 person for any disclosure of information to the Department  
8 of Healthcare and Family Services (formerly Illinois  
9 Department of Public Aid) under this paragraph (8) or for  
10 any other action taken in good faith to comply with the  
11 requirements of this paragraph (8).

12 (9) To perform other duties prescribed by law.

13 (a-5) Except in cases involving default on an educational  
14 loan or scholarship provided by or guaranteed by the Illinois  
15 Student Assistance Commission or any governmental agency of  
16 this State or in cases involving delinquency in complying with  
17 a child support order or violation of the Non-Support  
18 Punishment Act, no person or entity whose license, certificate,  
19 or authority has been revoked as authorized in any licensing  
20 Act administered by the Department may apply for restoration of  
21 that license, certification, or authority until 3 years after  
22 the effective date of the revocation.

23 (b) The Department may, when a fee is payable to the  
24 Department for a wall certificate of registration provided by  
25 the Department of Central Management Services, require that  
26 portion of the payment for printing and distribution costs be

1 made directly or through the Department to the Department of  
2 Central Management Services for deposit into the Paper and  
3 Printing Revolving Fund. The remainder shall be deposited into  
4 the General Revenue Fund.

5 (c) For the purpose of securing and preparing evidence, and  
6 for the purchase of controlled substances, professional  
7 services, and equipment necessary for enforcement activities,  
8 recoupment of investigative costs, and other activities  
9 directed at suppressing the misuse and abuse of controlled  
10 substances, including those activities set forth in Sections  
11 504 and 508 of the Illinois Controlled Substances Act, the  
12 Director and agents appointed and authorized by the Director  
13 may expend sums from the Professional Regulation Evidence Fund  
14 that the Director deems necessary from the amounts appropriated  
15 for that purpose. Those sums may be advanced to the agent when  
16 the Director deems that procedure to be in the public interest.  
17 Sums for the purchase of controlled substances, professional  
18 services, and equipment necessary for enforcement activities  
19 and other activities as set forth in this Section shall be  
20 advanced to the agent who is to make the purchase from the  
21 Professional Regulation Evidence Fund on vouchers signed by the  
22 Director. The Director and those agents are authorized to  
23 maintain one or more commercial checking accounts with any  
24 State banking corporation or corporations organized under or  
25 subject to the Illinois Banking Act for the deposit and  
26 withdrawal of moneys to be used for the purposes set forth in

1 this Section; provided, that no check may be written nor any  
2 withdrawal made from any such account except upon the written  
3 signatures of 2 persons designated by the Director to write  
4 those checks and make those withdrawals. Vouchers for those  
5 expenditures must be signed by the Director. All such  
6 expenditures shall be audited by the Director, and the audit  
7 shall be submitted to the Department of Central Management  
8 Services for approval.

9 (d) Whenever the Department is authorized or required by  
10 law to consider some aspect of criminal history record  
11 information for the purpose of carrying out its statutory  
12 powers and responsibilities, then, upon request and payment of  
13 fees in conformance with the requirements of Section 2605-400  
14 of the Department of State Police Law (20 ILCS 2605/2605-400),  
15 the Department of State Police is authorized to furnish,  
16 pursuant to positive identification, the information contained  
17 in State files that is necessary to fulfill the request.

18 (e) The provisions of this Section do not apply to private  
19 business and vocational schools as defined by Section 15 † of  
20 the Private Business and Vocational Schools Act of 2012.

21 (f) Beginning July 1, 1995, this Section does not apply to  
22 those professions, trades, and occupations licensed under the  
23 Real Estate License Act of 2000, nor does it apply to any  
24 permits, certificates, or other authorizations to do business  
25 provided for in the Land Sales Registration Act of 1989 or the  
26 Illinois Real Estate Time-Share Act.

1           (g) Notwithstanding anything that may appear in any  
2 individual licensing statute or administrative rule, the  
3 Department shall deny any license application or renewal  
4 authorized under any licensing Act administered by the  
5 Department to any person who has failed to file a return, or to  
6 pay the tax, penalty, or interest shown in a filed return, or  
7 to pay any final assessment of tax, penalty, or interest, as  
8 required by any tax Act administered by the Illinois Department  
9 of Revenue, until such time as the requirement of any such tax  
10 Act are satisfied; however, the Department may issue a license  
11 or renewal if the person has established a satisfactory  
12 repayment record as determined by the Illinois Department of  
13 Revenue. For the purpose of this Section, "satisfactory  
14 repayment record" shall be defined by rule.

15           In addition, a complaint filed with the Department by the  
16 Illinois Department of Revenue that includes a certification,  
17 signed by its Director or designee, attesting to the amount of  
18 the unpaid tax liability or the years for which a return was  
19 not filed, or both, is prima facia evidence of the licensee's  
20 failure to comply with the tax laws administered by the  
21 Illinois Department of Revenue. Upon receipt of that  
22 certification, the Department shall, without a hearing,  
23 immediately suspend all licenses held by the licensee.  
24 Enforcement of the Department's order shall be stayed for 60  
25 days. The Department shall provide notice of the suspension to  
26 the licensee by mailing a copy of the Department's order by

1 certified and regular mail to the licensee's last known address  
2 as registered with the Department. The notice shall advise the  
3 licensee that the suspension shall be effective 60 days after  
4 the issuance of the Department's order unless the Department  
5 receives, from the licensee, a request for a hearing before the  
6 Department to dispute the matters contained in the order.

7 Any suspension imposed under this subsection (g) shall be  
8 terminated by the Department upon notification from the  
9 Illinois Department of Revenue that the licensee is in  
10 compliance with all tax laws administered by the Illinois  
11 Department of Revenue.

12 The Department shall promulgate rules for the  
13 administration of this subsection (g).

14 (h) The Department may grant the title "Retired", to be  
15 used immediately adjacent to the title of a profession  
16 regulated by the Department, to eligible retirees. The use of  
17 the title "Retired" shall not constitute representation of  
18 current licensure, registration, or certification. Any person  
19 without an active license, registration, or certificate in a  
20 profession that requires licensure, registration, or  
21 certification shall not be permitted to practice that  
22 profession.

23 (i) Within 180 days after December 23, 2009 (the effective  
24 date of Public Act 96-852), the Department shall promulgate  
25 rules which permit a person with a criminal record, who seeks a  
26 license or certificate in an occupation for which a criminal

1 record is not expressly a per se bar, to apply to the  
2 Department for a non-binding, advisory opinion to be provided  
3 by the Board or body with the authority to issue the license or  
4 certificate as to whether his or her criminal record would bar  
5 the individual from the licensure or certification sought,  
6 should the individual meet all other licensure requirements  
7 including, but not limited to, the successful completion of the  
8 relevant examinations.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-459, eff. 8-14-09;  
10 96-852, eff. 12-23-09; 96-1000, eff. 7-2-10.)

11 Section 505. The State Finance Act is amended by adding  
12 Section 5.786 as follows:

13 (30 ILCS 105/5.786 new)

14 Sec. 5.786. The Private Business and Vocational Schools  
15 Quality Assurance Fund.

16 Section 510. The Riverboat Gambling Act is amended by  
17 changing Section 9 as follows:

18 (230 ILCS 10/9) (from Ch. 120, par. 2409)

19 Sec. 9. Occupational licenses.

20 (a) The Board may issue an occupational license to an  
21 applicant upon the payment of a non-refundable fee set by the  
22 Board, upon a determination by the Board that the applicant is

1 eligible for an occupational license and upon payment of an  
2 annual license fee in an amount to be established. To be  
3 eligible for an occupational license, an applicant must:

4 (1) be at least 21 years of age if the applicant will  
5 perform any function involved in gaming by patrons. Any  
6 applicant seeking an occupational license for a non-gaming  
7 function shall be at least 18 years of age;

8 (2) not have been convicted of a felony offense, a  
9 violation of Article 28 of the Criminal Code of 1961, or a  
10 similar statute of any other jurisdiction;

11 (2.5) not have been convicted of a crime, other than a  
12 crime described in item (2) of this subsection (a),  
13 involving dishonesty or moral turpitude, except that the  
14 Board may, in its discretion, issue an occupational license  
15 to a person who has been convicted of a crime described in  
16 this item (2.5) more than 10 years prior to his or her  
17 application and has not subsequently been convicted of any  
18 other crime;

19 (3) have demonstrated a level of skill or knowledge  
20 which the Board determines to be necessary in order to  
21 operate gambling aboard a riverboat; and

22 (4) have met standards for the holding of an  
23 occupational license as adopted by rules of the Board. Such  
24 rules shall provide that any person or entity seeking an  
25 occupational license to manage gambling operations  
26 hereunder shall be subject to background inquiries and

1 further requirements similar to those required of  
2 applicants for an owners license. Furthermore, such rules  
3 shall provide that each such entity shall be permitted to  
4 manage gambling operations for only one licensed owner.

5 (b) Each application for an occupational license shall be  
6 on forms prescribed by the Board and shall contain all  
7 information required by the Board. The applicant shall set  
8 forth in the application: whether he has been issued prior  
9 gambling related licenses; whether he has been licensed in any  
10 other state under any other name, and, if so, such name and his  
11 age; and whether or not a permit or license issued to him in  
12 any other state has been suspended, restricted or revoked, and,  
13 if so, for what period of time.

14 (c) Each applicant shall submit with his application, on  
15 forms provided by the Board, 2 sets of his fingerprints. The  
16 Board shall charge each applicant a fee set by the Department  
17 of State Police to defray the costs associated with the search  
18 and classification of fingerprints obtained by the Board with  
19 respect to the applicant's application. These fees shall be  
20 paid into the State Police Services Fund.

21 (d) The Board may in its discretion refuse an occupational  
22 license to any person: (1) who is unqualified to perform the  
23 duties required of such applicant; (2) who fails to disclose or  
24 states falsely any information called for in the application;  
25 (3) who has been found guilty of a violation of this Act or  
26 whose prior gambling related license or application therefor

1 has been suspended, restricted, revoked or denied for just  
2 cause in any other state; or (4) for any other just cause.

3 (e) The Board may suspend, revoke or restrict any  
4 occupational licensee: (1) for violation of any provision of  
5 this Act; (2) for violation of any of the rules and regulations  
6 of the Board; (3) for any cause which, if known to the Board,  
7 would have disqualified the applicant from receiving such  
8 license; or (4) for default in the payment of any obligation or  
9 debt due to the State of Illinois; or (5) for any other just  
10 cause.

11 (f) A person who knowingly makes a false statement on an  
12 application is guilty of a Class A misdemeanor.

13 (g) Any license issued pursuant to this Section shall be  
14 valid for a period of one year from the date of issuance.

15 (h) Nothing in this Act shall be interpreted to prohibit a  
16 licensed owner from entering into an agreement with a public  
17 community college or a school approved under the Private  
18 Business and Vocational Schools Act of 2012 for the training of  
19 any occupational licensee. Any training offered by such a  
20 school shall be in accordance with a written agreement between  
21 the licensed owner and the school.

22 (i) Any training provided for occupational licensees may be  
23 conducted either on the riverboat or at a school with which a  
24 licensed owner has entered into an agreement pursuant to  
25 subsection (h).

26 (Source: P.A. 96-1392, eff. 1-1-11.)

1           Section 515. The Illinois Public Aid Code is amended by  
2 changing Section 11-2.1 as follows:

3           (305 ILCS 5/11-2.1) (from Ch. 23, par. 11-2.1)

4           Sec. 11-2.1. No private business and vocational school, as  
5 defined in the Private Business and Vocational Schools Act of  
6 2012, may solicit an applicant or recipient within a public aid  
7 office or within 100 feet of a public aid office, for the  
8 purpose of enrolling the applicant or recipient in a work or  
9 training program, without the express written consent of the  
10 Illinois Department. Any person violating this Section shall be  
11 guilty of a Class A misdemeanor. "Public aid office" for the  
12 purpose of this Section includes any business office of the  
13 Department where a person may apply for or receive benefits or  
14 services under this Code, the building in which such office is  
15 located, and any parking area connected to such office that is  
16 owned or leased by the State for the benefit of the Department  
17 for use by personnel of the Department or by applicants or  
18 recipients.

19           (Source: P.A. 85-1383.)

20           Section 520. The Children's Privacy Protection and  
21 Parental Empowerment Act is amended by changing Section 15 as  
22 follows:

1 (325 ILCS 17/15)

2 Sec. 15. Information brokers.

3 (a) For the purpose of this Act, the consent of a parent to  
4 the sale or purchase of information concerning a child is  
5 presumed unless the parent withdraws consent under this  
6 Section.

7 A person who brokers or facilitates the sale of personal  
8 information concerning children must, upon written request  
9 from a parent that specifically identifies the child, provide  
10 to the parent within 20 days of the written request procedures  
11 that the parent must follow in order to withdraw consent to use  
12 personal information relating to that child. The person who  
13 brokers or facilitates the sale of personal information must  
14 discontinue disclosing a child's personal information within  
15 20 days after the parent has completed the procedures to  
16 withdraw consent to use personal information relating to that  
17 child.

18 (b) This Section does not apply to any of the following:

19 (1) Any federal, state, or local government agency or  
20 any law enforcement agency.

21 (2) The National Center for Missing and Exploited  
22 Children.

23 (3) Any educational institution, consortium,  
24 organization, or professional association, including but  
25 not limited to, public community colleges, public  
26 universities, post-secondary educational institutions as

1 defined in the Private College Act, and private business  
2 and vocational schools as defined in the Private Business  
3 and Vocational Schools Act of 2012.

4 (4) Any not-for-profit entity that is exempt from the  
5 payment of federal taxes under Section 501(c)(3) of the  
6 Internal Revenue Code of 1986.

7 (Source: P.A. 93-462, eff. 1-1-04.)

8 Section 525. The Consumer Fraud and Deceptive Business  
9 Practices Act is amended by changing Section 2Z as follows:

10 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

11 Sec. 2Z. Violations of other Acts. Any person who knowingly  
12 violates the Automotive Repair Act, the Automotive Collision  
13 Repair Act, the Home Repair and Remodeling Act, the Dance  
14 Studio Act, the Physical Fitness Services Act, the Hearing  
15 Instrument Consumer Protection Act, the Illinois Union Label  
16 Act, the Job Referral and Job Listing Services Consumer  
17 Protection Act, the Travel Promotion Consumer Protection Act,  
18 the Credit Services Organizations Act, the Automatic Telephone  
19 Dialers Act, the Pay-Per-Call Services Consumer Protection  
20 Act, the Telephone Solicitations Act, the Illinois Funeral or  
21 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care  
22 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales  
23 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,  
24 the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section

1 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section  
2 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the  
3 Internet Caller Identification Act, paragraph (6) of  
4 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
5 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,  
6 or 18d-153 of the Illinois Vehicle Code, Article 3 of the  
7 Residential Real Property Disclosure Act, the Automatic  
8 Contract Renewal Act, ~~or~~ the Personal Information Protection  
9 Act, or subsection (b) of Section 85 of the Private Business  
10 and Vocational Schools Act of 2012 commits an unlawful practice  
11 within the meaning of this Act.

12 (Source: P.A. 95-413, eff. 1-1-08; 95-562, eff. 7-1-08; 95-876,  
13 eff. 8-21-08; 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11;  
14 96-1376, eff. 7-29-10; revised 9-2-10.)

15 (105 ILCS 425/Act rep.)

16 Section 900. The Private Business and Vocational Schools  
17 Act is repealed.

18 Section 999. Effective date. This Act takes effect February  
19 1, 2012."